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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,044	04/11/2001	Mai-Ian Tomsen	005217.P008C	1734
33318	7590	09/30/2005	EXAMINER	
DIGEO, INC. 8815 122ND NE KIRKLAND, WA 98033			BUI, KIEU OANH T	
			ART UNIT	PAPER NUMBER
			2611	
DATE MAILED: 09/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/834,044

Applicant(s)

TOMSEN, MAI-IAN

Examiner

KIEU-OANH T. BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/19/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 8/19/05 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 8/19/05 was filed on or after the mailing date of the RCE on 8/19/05. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al. (U.S. Patent No. 6,711,552 B1) in view of Kitsukawa et al (US Patent 6,282,713 B1).

Regarding claim 1, Kay discloses “a method, comprising: providing a broadcast segment as part of an interactive television transmission via a first screen; responsive to a first command received from a user input device, storing information associated with a transaction related to the broadcast segment that is capable of being conducted via a second screen; and responsive to a second command received from the user input device and subsequent to providing at least a portion of the broadcast segment, retrieving the stored information associated with the transaction and providing content related to the broadcast segment”, i.e., Kay discloses a commerce control network system and method for obtaining product information and purchasing products through a two way interactive television system, and the user has an option to save or store his/her portion of broadcast segments to his/her favorite files or “a shopping cart” for retrieving and use at a later time (see Figs. 1-3, 5b, 5c, 5d, and col. 1/lines 23-63; col. 2/lines 30-64; col. 3/lines 4-11; col. 7/line 57-col. 8/line 25 for user inputs in selecting the products on the screen; and col. 10/lines 47-62 for delaying the buying of products to a second screen in the

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favorite list, while Figure 5b illustrates a first screen for browsing and selecting to buy products from vendors).

Kay does not further disclose the step of storing and retrieving information associated with the transaction in a plurality of portions or segments and later to complete the transaction as claimed herein; however, Kitsukawa teaches the same technique as advertisements data can be stored as segments or portions at different time intervals (Figs. 4-7 and 8-9 for different items, data or coupons can be repeatedly stored and retrieved at a later time for completing the order/sale transaction (see col. 6/line 40 to col. 7/line 60 and col. 8/line 1-16, as in Fig. 7 shows a plurality of ad portions for car, car tires, shirts or shorts, car detailed services etc under viewer selections can be stored and later recalled as taught in Fig. 4 & 8). Therefore, it would have been obvious to one of ordinary skill in the art to modify Kay's ordering system with Kitsukawa's teaching feature of storing various ad data or portions of interactive data for later recalled in order to complete the transaction involved a plurality of interactive segments, not to a single order or purchase, at a later time.

As for claim 2, in view of claim 1, Kay discloses "wherein the first and second screens comprise screens that are capable of being presented by a television set" (Fig. 1, and col. 2/lines 30-63 for a television system is used for this commerce control system).

As for claim 3, in view of claim 1, Kay shows "wherein the first and second screens comprise screens that are capable of being presented by a computer", i.e., screens for displaying can also be computers using window operating systems (col. 4/lines 15-26 & col. 8/lines 42-52).

As for claim 4, in view of claim 1, Kay further discloses "wherein providing the content related to the broadcast segment in response to the second command includes presenting at least

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some of the content via the second screen” (Figs. 6c & 6d shows screens with tabs for more than one screens for active screen, inactive screen and favorite screens with some of the contents, see col. 9/line 30 to col. 10/line 62 for details on tabs and multiple screens).

As for claim 5, in view of claim 1, Kay teaches “wherein at least some of the information associated with the transaction is capable of being entered via the user input device in cooperation with the second screen”, i.e., favorite tab screen containing favorite lists can be retrieved later and use at a delay time (col. 10/lines 47-62).

Regarding claim 6, Kay discloses “an article of manufacture, comprising: a machine-readable medium having instructions stored thereon to: receive a broadcast segment as part of an interactive television transmission and present the broadcast segment via a first screen; responsive to a first command received from a user input device, store information associated with a transaction related to the broadcast segment that is capable of being conducted via a second screen; and responsive to a second command received from the user input device and subsequent to providing at least a portion of the broadcast segment, retrieve the stored information associated with the transaction and provide content related to the broadcast segment”, i.e., Kay discloses a commerce control network system as a machine readable medium having instructions stored thereon and its corresponding method for receiving and obtaining product information and purchasing products through a two way interactive television system, and the user has an option to save or store his/her portion of broadcast segments to his/her favorite files or “a shopping cart” for retrieving and use at a later time (see Figs., 1-3, 5b, 5c, 5d, and col. 1/lines 23-63; col. 2/lines 30-64; col. 3/lines 4-11; col. 7/line 57-col. 8/line 25 for user inputs in selecting the products on the screen; and col. 10/lines 47-62 for delaying the buying of

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products to a second screen in the favorite list, while Figure 5b illustrates a first screen for browsing and selecting to buy products from vendors).

Kay does not further disclose the step of storing and retrieving information associated with the transaction in a plurality of portions or segments and later to complete the transaction as claimed herein; however, Kitsukawa teaches the same technique as advertisements data can be stored as segments or portions at different time intervals (Figs. 4-7 and 8-9 for different items, data or coupons can be repeatedly stored and retrieved at a later time for completing the order/sale transaction (see col. 6/line 40 to col. 7/line 60 and col. 8/line 1-16, as in Fig. 7 shows a plurality of ad portions for car, car tires, shirts or shorts, car detailed services etc under viewer selections can be stored and later recalled as taught in Fig. 4 & 8). Therefore, it would have been obvious to one of ordinary skill in the art to modify Kay's ordering system with Kitsukawa's teaching feature of storing various ad data or portions of interactive data for later recalled in order to complete the transaction involved a plurality of interactive segments, not to a single order or purchase, at a later time.

As for claims 7-10, these claims with same limitations as shown earlier are rejected for the reasons given in the scope of claims 2-6 as disclosed above.

Regarding claim 11, Kay discloses "a client apparatus for an interactive television, the client apparatus comprising: a communication interface to receive supplemental information as part of a broadcast segment in an interactive television transmission and to present the broadcast segment and supplemental information via a first screen; a processor responsive to a first command received via the communication interface from a user input device to trigger storage of data associated with a transaction related to the broadcast segment that is capable of being

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conducted via a second screen; and a storage unit to store the data associated with the transaction related to the broadcast segment and to store at least a portion of the supplemental information in response to the first command, the processor being responsive to a second command, received via the communication interface from the user input device and subsequent to display of at least a portion of the broadcast segment, to retrieve the stored data and some of the supplemental information from the storage unit and to provide the retrieved data and supplemental information for viewing by an end user", i.e., client applications on their set top box operating system including processor, STB remote control key, STB resident applications, electronic program guide and memory therein allow the user to access and has a communication interface for operating and control the commerce control system in a two-way interaction manner (see Figs. 5a-5d & 6a-6f, and col. 7/line 25 to col. 8/line 52; and see further on claims 1 and 6 above for other limitations).

Kay does not further disclose the step of storing and retrieving information associated with the transaction in a plurality of portions or segments and later to complete the transaction as claimed herein; however, Kitsukawa teaches the same technique as advertisements data can be stored as segments or portions at different time intervals (Figs. 4-7 and 8-9 for different items, data or coupons can be repeatedly stored and retrieved at a later time for completing the order/sale transaction (see col. 6/line 40 to col. 7/line 60 and col. 8/line 1-16, as in Fig. 7 shows a plurality of ad portions for car, car tires, shirts or shorts, car detailed services etc under viewer selections can be stored and later recalled as taught in Fig. 4 & 8). Therefore, it would have been obvious to one of ordinary skill in the art to modify Kay's ordering system with Kitsukawa's teaching feature of storing various ad data or portions of interactive data for later recalled in



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order to complete the transaction involved a plurality of interactive segments, not to a single order or purchase, at a later time.

As for claims 12-15, these claims with same limitations as shown earlier are rejected for the reasons given in the scope of claims 2-6 as disclosed above.

Regarding claims 16-20, these claims for “a system, comprising: a television network connectable to a communication network to provide a broadcast segment, having supplemental information, as part of an interactive television transmission via a first screen; and a client terminal coupleable to the television network, the client terminal including: a communication interface to receive the supplemental information as part of the broadcast segment; a processor responsive a first command received via the communication interface from a user input device to trigger storage of data associated with a transaction related to the broadcast segment that is capable of being conducted via a second screen; and a storage unit to store the data associated with the transaction related to the broadcast segment and to store at least a portion of the supplemental information in response to the first command, the processor being responsive to a second command, received via the communication interface from the user input device and subsequent to display of at least a portion of the broadcast segment, to retrieve the stored data and some of the supplemental information from the storage unit and to provide the retrieved data and supplemental information for viewing by an end user” with same limitations as shown earlier are rejected for the reasons given in the scope of claims 1-6 in view of Kay and Kitsukawa as disclosed above.

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***Conclusion***

**5. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2611

KB  
Sept. 29, 2005